

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-CV-44**

JERRY DEBERRY,	)	<b>ORDER</b>
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
RELIANCE STANDARD LIFE	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	
	)	

This matter is before the Court upon the memorandum and recommendation of United States Magistrate Dennis Howell, filed May 10, 2011. [D.I. 12]. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 10 days after service of the memorandum. It appears to the Court that the parties have not filed any such objections. After an independent and thorough review of the magistrate's memorandum, the Court concludes that the recommendation to grant Defendant's Motion to Dismiss is correct and in accordance with law. Accordingly, Count II of the Plaintiff's Amended Complaint is dismissed. Plaintiff's Request for a Jury Trial on the remaining Count I is also dismissed.

**IT IS THEREFORE ORDERED** that the memorandum and recommendation of the magistrate is hereby **AFFIRMED**.

Signed: June 30, 2011



Graham C. Mullen  
United States District Judge

